

# Privacy Internal Review

## Information Sheet

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Internal review is a process whereby HealthShare NSW will handle complaints about how it has dealt with personal information under the Privacy and Personal Information Protection (PPIP) Act 1998 and/or personal health information under the Health Records and Information Privacy (HRIP) Act 2002.

Individuals have the right to seek a review of certain conduct of an agency, in circumstances where the individual believes that the agency has breached the terms of either the PPIP Act and/or the HRIP Act.

The request for review can only be made where it is alleged that the agency has:

- breached any of the Information Protection Principles under the PPIP Act, and/or any of the Health Privacy Principles under the HRIP Act that apply to the agency
- breached any code made under the Acts applying to the agency
- disclosed personal or personal health information kept in a public register.

The request for internal review should be lodged using an application form available from NSW Health or the NSW Privacy Commission. This application should be sent direct to the agency within six months from the time the applicant first became aware of the conduct sought to be reviewed, or at an earlier date as decided by the agency if special circumstances apply.

The Privacy Commissioner will be notified of the application, the progress and findings of the internal review to allow for submissions to be made to the agency where appropriate. The Privacy Commissioner will subsequently be notified of the action proposed to be taken by the agency in relation to the matter.

A Review Officer will be appointed to conduct the internal review, which will be completed within 60 calendar days from the day on which the application is received. If the review is not completed within 60 calendar days, the applicant is entitled to make an application to the NSW Civil & Administrative Tribunal for a review of the conduct concerned.

In order to investigate the circumstances surrounding the complaint, the Review Officer may need to discuss the matter with relevant staff members and seek legal advice from the Ministry of Health. All information held by the agency in connection with the complaint will otherwise be kept secure and held in confidence.

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The review must recommend that the agency respond in any one or more of the following ways:

- take no further action on the matter
- make a formal apology to the applicant
- take such remedial action as it thinks appropriate
- provide undertakings that the conduct will not occur again
- implement administrative measures to ensure that the conduct will not occur again, such as revision of relevant policies and guidelines, and privacy training for relevant staff.

Within 14 calendar days of the completion of the review, the applicant will be notified in writing of:

- the findings of the review and the reasons for those findings
- the action proposed to be taken by the agency including the reasons for taking that action
- the right of the person to have the agency's findings and proposed action reviewed by the NSW Civil & Administrative Tribunal.

If an applicant is not satisfied with the findings of the review, or the action taken by the agency in relation to the application, the applicant may apply to the Administrative & Equal Opportunity Division of the NSW Civil & Administrative Tribunal for a review of the conduct that was the subject of the application for internal review.

## Contact

Privacy Contact Officer

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